The Assistant Commissioner of Labour, Oorgaum, reported that no agreement was possible with regard to the subject matter of the notice and accordingly the dispute was referred to me by the Labour Commissioner for initiating conciliation proceedings, under Section 10 (3) of the Labour Act.

The conciliation proceedings were held to-day in the Guest House at Oorgaum. Mr. Peter Best, the Superintendent of the Mines, represented the Management while the President and the Secretary appeared on behalf of the Association.

On the 5th November 1949 there was a stay-in-strike on the part of the underground workers which lasted till midnight. A second strike of the same character was staged again on the 10th of that month and continued till 11 A.M. on the following day. Both the strikes were declared illegal. This was followed by the closure of the mine till 23rd. The Management considered the situation arising out of these incidents as of so grave a character that the Government issued a Notification declaring a state of emergency under Section 42 of the Labour Act.

On the 21st November the Management put up a notice stating that the work in the mine would be resumed from 23rd and invited the workers on strike to report themselves for duty that day. At the same time they reserved to themselves the right of taking such action as they deemed fit against the participators in the two strikes. The Association wrote to the Management not to take any disciplinary action against any one in the interests of harmony. But the Superintendent took action on the 23rd against 21 of the strikers under Standing Order 21 (c) and directed their discharge from service with 10 days' wages in lieu of notice. It was this action which led to the notice of change in question.

In the view of the Management the strikes were of a most serious character. They really amounted to a sort of mutiny on the part of the workers, and the Management temporarily lost control over the mine. Lakhs of rupees worth of machinery were underground at the mercy of the strikers. If fire had broken out by accident or otherwise there would have been a disaster. The men who had gone underground held the foreman and other supervisory staff as prisoners and the cages could not be operated except to the extent permitted by them. The right of the Managemnnt to discharge any employee whom they did not want to retain in service was fully recognised under Standing Order 21 (c) and could not be questioned.

The Association gave its version of the story. It had demanded that a bonus equal to six months' wages be given for the years 1948 and 1949. But the Management ignored this demand. The Chief Minister and the Labour Minister who professed a lot of sympathy for the workers and promised to get the demand conceded went on procrastinating and ultimately did nothing. The workers began to lose faith even in the office-bearers of the Association. As faithful followers of Mahatma Gandhi the only course open to them was to embark on a peaceful Sathyagraha. This was what they did. On the 5th and 10th November they offered Sathyagraha underground in a most peaceful manner and there was no violence whatever. The Management could go underground if they wished and satisfy themselves that the people did not intend any mischief to the mine or its property. It was untrue that any supervisory staff were held prisoner. Any one was at liberty to come out of the Mines if he so desired. The real truth was that the foremen themselves were in active sympathy with the strikers and did not want to desert them. It was not true that some of them were forcibly detained and had to evade the vigilence of the strikers and escape to the surface by devious underground routes. When thousands had taken part in this peaceful demonstration it was not open to the Management to victimise a few workers. The persons selected for discharge must be deemed to be innocent in the absence of a definite finding that they had acted illegally or in a violent manner. There was no kind of enquiry in this case and the Association could not accept the contention of the Management that they had full liberty of action to discharge some of the workers at their sweet will and pleasure. The Standing Order No. 21 (c) was repugnant to the spirit and provisions of the Mysore Labour Act. In the circumstances, the Association insisted that the men discharged should be reinstated with full compensation.

I found it impossible to discover a via-media acceptance to both the parties. The result was a failure of the conciliation proceedings which I report under Section 12 (4) of the Act.

Yours faithfully,

1222 K. SUBBA RAO, *Chief Conciliator.*

Notification dated 12th May 1950.

No. L.S. 433—L.W. 29-50-12. In pursuance of sub-section (4) of Section 12 of the Mysore Labour Act 1942 (Act XII of 1942), His Highness the Maharaja is pleased to direct the publication of the accompanying report of the Chief Conciliator in Mysore, Bangalore, in respect of failure of Conciliation Proceedings in the dispute between the Management of the Kolar Brickmaking Co., and the Labour Association thereof in regard to four Notices of Change given by the Labour Association to the Management putting forth certain demands.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,

Secretary to Government,

1293 *Law Department.*

OFFICE OF THE CHIEF CONCILIATOR IN MYSORE, BANGALORE.

Camp Oorgaum, dated 5th May 1950.

To

The Secretary to the Government of Mysore,
Law Department,
Bangalore.

Sir,

Subject.—Labour Conciliation Cases Nos. C. C. 2, 13, 14 and 22 of 1949-50.

Nos. C.C. 2, 13, 14 & 22—49. The dispute in the above cases is between the Kolar Brick Making Labour Association and the Management and arose out of the following Notice of Change given by the former to the Superintendent of the Company.

(1) *Notice of Change dated 21st June* 1949—

Narayanan, T. No. 132 and Rahim Khan, T. No. 131 and Krishnasingh, T. No. 292 were employed by Kolar Brick Making Company as Watchmen for a very long time. Suddenly they are put to work to prepare red clay without their consent. This is an illegal change, and the Association can take action in a Court of Law, according to the provisions of Labour Act. Before doing so the Association through this Notice of Change desires to bring out an amicable settlement.

The Management is requested to put these men back to their watchmen jobs.

(2) *Notice of Change dated 21st June* 1949—

Sri Rajee, T. No. 25 was dismissed by you cooking up charges against him. All the charges you brought against him are false and hence your dismissal is wrongful.

The Association through this notice of change seeks his reinstatement paying him full wages for the period in which he was forced to be without work.

(3) *Notice of Change dated 23rd July* 1949—

Sri Maridoss, T. No. 183 was forced to resign his job by you against his will.

This Notice of Change is to have him reinstated in his former job.

(4) *Notice of Change dated 23rd August* 1949—

(i) As Kolar Brick Making Company Ltd has made huge profits in the year 1948, the Labour Association through this notice of change requests the Management to pay every worker in the Factory six months' earnings as Profit Bonus.

(ii) For the amicable settlement of labour disputes in various departments it is in vogue in all factories under civilized management to appoint works committees. Through this notice of change this Association requests the Management to establish works committees in various departments of the factory, consisting of equal number of representatives of Management and workers.

The Assistant Commissioner of Labour, Kolar Division, who intervened in the dispute was unable to bring about a settlement except in regard to Narayanan, T. No. 132 and Krishnasingh, T. No. 292 referred to in the first notice of change. The Commissioner of Labour in Mysore, thereupon, referred the cases to me for holding conciliation proceedings under Section 10 (3) of the Mysore Labour Act.

Conciliation proceedings were held to-day in the Guest House at Oorgaum. Mr. J. I. T. Dickson, the Superintendent of the company appeared for the Management while the Association was represented by all the office bearers.

The first dispute relates to watchman Rahim Khan, T. No. 131. According to the Management he absented himself continuously without permission for ten days from 26th

October 1949 to 5th November 1949 and was struck off the Rolls under standing order 18 (f). The story told by the Association is that this man went to his village near Malur on a holiday and there suddenly took ill. He sent word with his brother to the Management that he was ill and after his recovery at the end of 12 days he reported himself for duty and produced a Medical Certificate. The Management however declined to take him back on the ground that he had already been struck off the Rolls. The production of the certificate is not capable of verification. Mr. J. I. T. Dickson says that prior to this this man had been found to be negligent in his duties on three occasions and caught sleeping on two occasions, and that warnings on those occasions had no effect on him whatever. In the circumstances he was not prepared to take him back as a watchman but he was willing to re-employ him in some job as soon as there was a vacancy. The Association says that the alleged warnings are not on record and that the offer now made by the Superintendent was unacceptable to it.

It is convenient to deal with notices (2) and (3) together according to the Association, Maridoss, T. No. 188, was employed as Sawyer when the company installed the Circular Saw Mill. Rajee, T. No. 25, on recruitment, was posted to the Mill as Assistant Sawyer to assist Maridoss. Things were going on satisfactorily till the management appointed Chinnakannu, a watchman, known to be a notorious drunkard, as the second assistant to Maridoss. Some time later, on some pretext or other, Chinnakannu was made to supersede Maridoss and the latter asked to work under him. Simultaneously, Rajee was transferred from the Saw Mill to work in the Red Clay Section. Being a literate man with previous military service, Rajee showed resentment when called upon to do such a degrading work as preparing clay. This provided an excuse for the management to dismiss him. On the following day, Maridoss was forced to resign, and the letter of his resignation was written by a clerk in the presence of the Manager who compelled Maridoss to sign it. The management, on the other hand, give altogether a different version of the story. Rajee was taken as General Purpose Labour, on the recommendation of the Foreman. But he repeatedly disobeyed the orders of the Manager and refused to do the work allotted to him. His persistent refusal was the subject matter of an enquiry by the Superintendent before whom also he declined to work as general purposes labour. Thereupon the Superintendent offered him 13 days' wages in lieu of notice and discharged him. As regards Maridoss he had been declared medically unfit to work in the Mines and subsequently posted to the Circular Saw Section. Rajee was his assistant for some time. The work here became so bad that the management were forced to put Chinnakannu in charge of the operations. For some time, Maridoss worked as Chinnakannu's assistant, but there was continuous friction. On the day following the discharge of Rajee, Maridoss of his own accord, volunteered to resign, and was discharged. The reason he has given in his letter of resignation is that he found the work in the Saw Section too taxing. The management, however, are prepared to take him back and give him some suitable job as soon as a vacancy occurs.

Summing up, the position is that the management are willing to take back Rahim Khan and Maridoss, and give them suitable jobs as soon as vacancies occur. But the Association is not satisfied with such vague promises. Besides it wants that Rajee also should be re-employed. On this point the management was not prepared to yield.

Coming to the fourth notice of change the second demand relating to the setting up of Works Committees was withdrawn by the Association. The first demand relates to grant of a bonus equal to six months' wages for the year 1948. The case for the Association is that the audited Balance Sheet of the company shows that the net profit earned during that year was about Rs. 40,000 out of which Rs. 31,000 was distributed as dividends to shareholders. This works out at 35 per cent of paid up capital against 25 per cent in the previous year. The company has earned huge profits and given high dividends. It ought not to grudge to give a fair share of the profits in the shape of bonus. The management, however, point out that the production in the factory has progressively gone down while the costs have considerably risen. The per capita production has fallen from 1800 bricks to 1,100 bricks in the last two years. The profit during 1949 is not expected to be more than one-half of what it was in the previous year. The company has a heavy capital programme. Unless improved methods are introduced it is certain that the company will cease to make any profit. As it is, the manufacturing costs are so high that the company is fast losing its old customers. As against Rs. 31,000 paid to shareholders, more than Rs. 19,000 was incurred in providing amenities to labour such as a Canteen, half pay and dearness allowance for the period of play off, shower bath, sanitary latrine, etc. The reply of the Association is that this is not a thing to boast about, as, such amenities are provided in all modern factories. It considers the offer of half month wages as bonus as utterly inadequate.

Finally, I found that it was not possible to effect compromise between the parties on the points in dispute. The result was failure in all the four cases which I report under Section 12(4) of the Act.

Yours faithfully,

K. SUBBA RAO,
Chief Conciliator.

1223

Dated 18th May 1950.

No. L.S. 448—L.W. 29-50-18. In pursuance of sub-section (4) of Section 12 of the Mysore Labour Act, 1942 (Act XIII of 1942), His Highness the Maharaja of Mysore is pleased to direct the publication of the accompaning Report of the Chief Conciliator in Mysore, Bangalore, in respect of failure of Conciliation Proceedings in the dispute between the Oorgaum Mine Labour Association and the Management in regard to two Notice of Change given by the Association to the Management, putting forth certain demands.

By Order of His Highness the Maharaja.

B. S. PUTTASWAMY,
Secretary to Government,
Law Department.

1247

OFFICE OF THE CHIEF CONCILIATOR IN MYSORE, BANGALORE.

Dated 5th May 1950.

CAMP OORGAUM.

Nos. C. C. 38—48 and 57—49.

To

The Secretary to the Government of Mysore,
Law Department,
Bangalore.

Sir,

Subject :—*C. C. Nos.* 38—18-49 *and* 57—49-50.

The above disputes arose out of two notices of change given by the Oorgaum Mine Labour Association to the Management. The first notice dated 16th May 1949 relates to the dismissal of the under-mentioned workers as a result of a general strike which continued for two months in February and March 1949 :—

(1) C. Pancreas, T. No. 4006, Assistant Foreman
(2) Chandran T. No. 1476, Timber Maistry
(3) Chellamuthu, T. No. 836, Fire Petrol Maistry
(4) Chinnappan, T. No. 806, Timber Maistry
(5) Abdul Khudus, T. No. 48—1, Tramming Maistry
(6) Thangaraj, T. No. 83—21, Timber Maistry
(7) Govindaswamy, T. No. 1055, Timber Maistry
(9) Gopal, T. No. 2599—31, Timber Maistry
(9) Khandan, T. No. 581, Tramming Maistry
(10) C. Francis, Printing Press
(11) Ponnuswamy, T. No. 168—1, Machine Coolly

The second notice of change, dated 21st December 1949 relates to the dismissal of V. Knopuswamy, Hammer-man T. No. 234, Blacksmiths Shop.

Efforts of the Assistant Commissioner of Labour, Kolar Division, to bring about a settlement having failed, the disputes were referred to me by the Commissioner of Labour for initiating conciliation proceedings under Section 10 (3) of the Mysore Labour Act.

Conciliation proceedings were held to-day in the Guest House, Oorgaum, when Mr. Peter Best, Superintendent of the Mines, represented the Management while the Association was represented by its President and Assistant Secretary.

First notice of change.

Neither the Management nor the Association is in a position to say who Ponnuswamy No. (11) is. He has not been identified and the Association is not pressing his case. C. Francis, No. (10) is an employee in the Oorgaum Press in which there was no strike. Francis was the one man who took part in the general strike and stayed away till the general strike ended. He was dealt with under Standing Order No. 22 (k) and his services terminated in the usual course. The representatives of the Association say that he was living in the mining area and was unable to escape the vigilance of